


# MEMORANDUM

Department of Environmental Quality  
Division of Water Program Coordination

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SUBJECT: Guidance Memo No. 00-2018  
Implementation of the VPA General Permit Regulation for Poultry Waste Management,  
9 VAC 25-630-10 et seq.

TO: Regional Directors

FROM: Larry G. Lawson, P.E. 

DATE: November 30, 2000

COPIES: Regional Permit Managers, Regional Compliance and Enforcement Managers, Regional  
Water Permit Managers, Mary Jo Leugers, Martin Ferguson, OWPP staff

Background On September 19, 2000 the State Water Control Board adopted 9 VAC 25-630-10 et seq., the Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management. It became effective on December 1, 2000. This regulation establishes the general permit number VPG2. It also contains the information required for the general permit registration statement and certain restrictions on the applicability of the regulation to confined poultry feeding operations. The basic content of the general permit was mandated by the General Assembly when they added Section 62.1-44.17.1:1 to the State Water Control Law in 1999. The general permit is intended to provide permit writers with a tool to quickly cover poultry feeding operations with a VPA permit. A copy of the regulation is attached. Also included in this guidance package are copies of the registration statement, the general permit and the permit fact sheet.

Purpose of the General Permit This general permit regulation governs the management of poultry wastes at confined poultry feeding operations having 200 or more animal units. It establishes requirements for proper nutrient management, for waste storage, and for tracking and accounting of poultry waste. The regulation defines "Confined Poultry Feeding Operation" as any confined animal feeding operation with 200 or more animal units of poultry. The regulation defines 200 animal units of poultry as the equivalent of 20,000 chickens or 11,000 turkeys. These numbers are established regardless of animal age or sex. "Confined Animal Feeding Operation" is defined in the VPA Permit Regulation, 9 VAC 25-32-10 as a lot or facility together with any associated treatment works where the following conditions are met: 1) Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and 2) Crops, vegetation forage growth, or post-harvest residues are not sustained over any portion of the operation of the lot or facility. Note that this vegetation cover criterion is intended to capture operations that have a confinement area that is predominately lacking in vegetation. Pasture with small patches of bare ground should not be included. This will not be a problem for most poultry operations since the birds are usually confined to a building.

Producers who own more than one farm should be issued permits according to the rules in the VPA permit regulation, 9 VAC 25-32-250 A. The regulation says that two or more operations under common ownership which adjoin each other or share a common waste disposal system are considered one animal feeding operation. Note that the Nutrient Management Plan should address waste generated by the entire operation (both farms).

The regulation defines poultry waste as dry poultry litter and composted dead poultry.

Any operation that has 200 or more animal units of poultry, has dry poultry waste and does not bury daily poultry mortalities should qualify for coverage under the poultry general permit, regardless of the presence of other animals and other types of waste collection and storage systems. Note that the general permit will only address the non-poultry animals to the extent that their wastes are included in the farm's Nutrient Management Plan (NMP).

Prohibitions Operations which do not have the minimum 200 animal units, or which use a liquid manure collection and storage system, are not eligible for coverage under the general permit. If such an operation is determined to need a VPA permit to protect state waters, it may be eligible for coverage under another general permit or it should be issued an individual VPA permit. Farms with less than 200 animal units of poultry, but where the combined livestock numbers total more than 300 animal units should be considered for coverage under the CAFO general permit, if they have liquid waste storage and handling, or an individual VPA permit. In any case, if the operation is large enough to require a VPA permit, it should have an NMP that covers all of the animal waste generated on the farm.

Poultry operations that use burial pits for routine disposal of daily mortalities are not allowed coverage under this general permit. This prohibition is necessary because of the potential for ground water impacts from decomposing animals. If a farm does have a burial pit for daily mortalities, it should be covered under an individual VPA permit that includes ground water monitoring. The general permit does allow for the nonroutine, emergency disposal of large numbers of dead poultry as long as it is done either according to regulations adopted pursuant to the agriculture statutes (§ 3.1-726 of the Code of Virginia) or in a solid waste landfill permitted under the solid waste statutes (§ 10.1-1408 of the Code of Virginia).

Regulation of Poultry Waste Brokers The regulation has a section at the end, 9 VAC 25-630-60, that applies to poultry waste brokers. A poultry waste broker is someone who is not a poultry grower, but who possesses more than 10 tons of poultry waste during any 365 day period and sells or gives away a portion of that waste to someone else. Brokers are required to keep records of the sources of the waste they handle and of their own waste transactions in excess of 10 tons. They are also required to pass on to the waste user the nutrient analysis and fact sheet they got from the growers. Brokers are also required to report their previous year's activities to DEQ not later than February 15 of the following year. Staff will not be required to inspect brokers. However, brokers are subject to enforcement action if they cause violations of the water quality standards or the State Water Control Law.

Poultry operations that are too small to qualify for the general permit, but which transfer waste generated on their farm to someone else, will not be considered poultry waste brokers. These farms will not be required to keep records or report transfers to DEQ. If a small operation sells or gives away more than 10 tons of waste that came from another farm, then they are a poultry waste broker.

Permit Term The general permit has a 10 year term. It became effective on December 1, 2000 and it will expire on December 1, 2010. Coverage for all operations under this general permit will end on the expiration date, regardless of when during the permit term the coverage began.

Registration Each applicant for coverage under the general permit should be sent a copy of the registration statement, and a copy of the instruction sheet for filing the registration statement. A sample transmittal letter is attached. The registration statement asks for some basic information about the grower and a contact person and the farm location. It asks the applicant to give a preferred day and time for contacting the grower or operator. It also asks if the operation is currently covered by an individual

VPA permit. The owner is then asked to give the type and maximum number of birds to be grown, and the method of dead bird disposal. This information should be all that is necessary to determine eligibility for coverage under the permit.

There are two very important attachments which must be submitted with the registration statement. The first one is a letter from the Department of Conservation and Recreation that certifies that this operation has an approved Nutrient Management Plan. The second required attachment is a copy of the Nutrient Management Plan itself. Under the regulation we cannot issue coverage to an operation that does not file both of these attachments.

The registration statement also includes a question about construction of new growing houses and a certification, in addition to the standard language for permit applications, that says that the grower has notified all adjoining land owners or residents if his operation involves construction of new growing houses. If there are no new growing houses indicated on the registration statement, the permit writer may process it without delay. If new growing houses are under construction or are to be constructed, the adjoining property owners/residents have 30 days from the date the registration statement is filed to comment on the proposal. In these cases, permit writers must wait 30 days from receipt of the registration statement before issuing coverage to allow time for public comments. If comments are received, they should be evaluated to determine if they indicate the operation will cause water pollution or will otherwise be unable to comply with the general permit. Only those comments that identify valid water quality/permit compliance issues should influence the decision on permit coverage. The Department has 15 days to evaluate the comments and make a decision after the 30 day comment period ends. If a significant issue arises, this period can be extended to 30 days. If the Department decides that the operation will not be capable of complying with the general permit, an individual permit should be issued that will address the specific problems at that operation. A sample neighbor notification letter is attached to this guidance and it should be included in the registration statement package sent to prospective applicants. The regional office should include its address and phone number in the sample letter before sending it to the applicant.

OIS is establishing an online registration page for this general permit on the DEQ web site. Applicants for general permit coverage may complete the registration statement online and submit the information directly to the DEQ server. The instructions for the web page will tell the applicant that he must still print out the completed registration statement, sign it and submit it to the regional office with the Nutrient Management Plan and the DCR approval letter. When the permit writer receives the printed material, he should access the CEDS database to determine if the applicant filed online and to make sure the information in CEDS matches the forms signed by the applicant. The data in CEDS may be edited, if necessary, to match the paper registration statement. The permit writer should then follow the routine procedures for processing the registration statement.

Confined poultry feeding operations are exempt from application fees.

If the registration statement is incomplete, send the applicant a letter listing the deficiencies. An example deficiency letter is attached.

Permit Coverage Once the complete registration statement has been received and if the operation qualifies for coverage, send the applicant a copy of the general permit. An example permit transmittal letter is attached to this guidance memo. The general permit does not require reporting of monitoring data, so there is no monitoring report form.

There are two other attachments associated with the permit. These are the litter storage and utilization fact sheet and the litter tracking form for off-farm litter transfers. Whenever the grower sells

or gives away to any person more than 10 tons of waste in a 365 day period, the grower must also provide that person with a copy of the latest nutrient analysis for the waste and a copy of a fact sheet that describes proper storage and usage of the material. In return, the recipient of the waste must sign a statement that he has received these documents and he must provide the grower with information on where the waste will be used. To make recording this exchange of information easier for the growers, the Department will provide them with the storage and utilization fact sheet and a litter tracking form. Each grower should receive at least 25 copies of the fact sheet and five copies of the tracking form with his copy of the general permit. These documents are also attached to this guidance. The regions should print copies of these as they need them, paying attention to tabs and other format items that may need adjustment because of differences in printers.

The permit requires that analyses of soil and waste be conducted by methods specified in one of three booklets produced by the Cooperative Extension Service. These methods are designed for these media and will provide more reliable data than the wastewater methods specified in 40 CFR Part 136. They are currently being used by the laboratories that routinely run these analyses for farmers in Virginia and the surrounding states. A copy of each of the booklets is being provided to each regional office so that permit writers and inspectors may become familiar with them. As noted in Part I A 5 of the permit, the regions should make these booklets available to permittees and the public for review or copying.

Permit Numbers Each general permit should be identified by a unique number. This permit identification number should appear on the cover page of the permit. **The regional office will have to make this addition to the permit text prior to mailing it to the permittee. No other changes to the language of the general permit are authorized.** Each general permit identification number will be nine digits long. The first four are always VPG2. These are followed by a number which indicates the regional office which issued coverage. These are as follows:

SWRO	1
WCRO	2
NRO	3
PRO	4
TRO	5
VRO	6
SCRO	7

The next four digits will be the consecutive number of operations covered by that particular region. For example, the first operation covered under the general permit by the Valley region will be VPG260001. The tenth operation covered by Northern will be VPG230010. This system gives each region 9,999 possible permit identification numbers.

Track each operation covered under the general permit in CEDS.

Change of Ownership If there is a request for a change of ownership, the new owner assumes the coverage under the general permit and the permit number does not change. The new owner should submit a new registration statement in order to provide the necessary information for our files. Either a new NMP or some verification that the old NMP is still in effect should also be submitted. Part II of the permit allows for automatic transfer of ownership if the 30 day prior notice and the required written agreement between the new and old owners are provided. The other change of ownership modification requirements and procedures from the VPA Permit Regulation and VPA Permit Manual that are common to all VPA permits apply here as well. Note any change of ownership status in CEDS.

Enforcement The VPA general permit is enforced using the same procedures as for individual VPA permits.

Inspections The General Assembly has mandated that every animal feeding operation covered by a VPA general permit shall be inspected by the Department at least once every year. These inspections must be conducted by a person who is certified by the Department of Conservation and Recreation as a Nutrient Management Planner. The regions should remember this statutory requirement when they establish their inspection schedules each spring. Inspections of the operations covered by this general permit will include a visual inspection of facilities and a record keeping review. Inspectors should be familiar with the farm's NMP prior to the inspection and the inspection should include an evaluation of NMP compliance. The visual inspection will focus on proper: 1) storage of waste (covered, protected from stormwater, depth to seasonal high water table, properly lined, removal of residue), 2) disposal of mortalities, and 3) land application of waste (method of application, condition of crop, and placement with regard to buffers). The record keeping review will focus on: 1) soil and waste monitoring (including use of proper methods), 2) land application (timing, rates, supplemental nutrients and lime) and spreader calibration, and 3) litter transfer records. Inspectors should also verify that the poultry grower has attended the approved training course. To aid inspections of poultry and multi-species operations, the CAFO inspection form is being modified and expanded. The form will be available soon on k:\agency and the DEQNet.

Biosecurity at poultry feeding operations is a serious matter. Transmittal of disease from one farm to another can result in devastating economic impacts on individual growers and the industry in general. Inspectors are expected to adhere to the protocols in the attached Biosecurity Strategy.

Please contact Richard Ayers, 804-698-4075, if you have any questions about this guidance.

#### Attachment List

General Permit Regulation	Registration Statement Deficiency Letter
General Permit	Permit Transmittal Letter
Permit Fact Sheet	Litter Use and Storage Fact Sheet
Registration Statement	Waste Transfer Records Sheet
Application Transmittal Letter	Biosecurity Strategy for Inspectors
Sample Neighbor Notification Letter	

#### DISCLAIMER

**This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site-specific facts when permits are issued.**

**COMMONWEALTH OF VIRGINIA  
STATE WATER CONTROL BOARD**

**9 VAC 25-630-10 et seq. - Virginia Pollution Abatement (VPA) General Permit  
Regulation for Poultry Waste Management**

[Adopted: September 19, 2000 - Effective: December 1, 2000]

**9 VAC 25-630-10. Definitions.**

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law §62.1-44.2 et seq. and the VPA Permit Regulation (9 VAC 25-32-10 et seq.) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Confined Poultry Feeding Operation" means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys. These numbers are established regardless of animal age or sex.

"Nutrient Management Plan (NMP)" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment and management of poultry waste, including dry litter, and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters.

"Permittee" means the poultry grower whose confined poultry feeding operation is covered under the general permit.

"Poultry Grower" means any person who owns or operates a confined poultry feeding operation.

"Poultry Waste" means dry poultry litter and composted dead poultry.

"Poultry Waste Broker" means a person, other than the poultry grower, who possesses more than 10 tons of poultry waste in any 365-day period and who transfers some or all of the waste to other persons.

**9 VAC 25-630-20. Purpose; delegation of authority; effective date of permit.**

A. This general permit regulation governs the management of poultry waste at confined poultry feeding operations having 200 or more animal units. It establishes requirements for proper nutrient management, waste storage, and waste tracking and accounting of poultry waste.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the Board provided under this regulation, except as limited by Section 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on December 1, 2000. This general permit will expire 10 years from the effective date.

**9 VAC 25-630-30. Authorization to Manage Pollutants.**

A. Any poultry grower governed by this general permit is hereby authorized to manage pollutants at confined poultry feeding operations provided that the poultry grower files the registration statement of 9 VAC 25-630-40, complies with the requirements of 9 VAC 25-630-50, and provided that:

1. The poultry grower has not been required to obtain an individual permit according to 9 VAC 25-32-260 B;
2. The activities of the confined poultry feeding operation shall not contravene the Water Quality Standards, as amended and adopted by the Board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater except in the case of a storm event greater than the 25-year, 24-hour storm. Domestic sewage or industrial waste shall not be managed under this general permit;

3. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit by a permittee for routine disposal of daily poultry mortalities shall be considered a violation of this permit. This prohibition shall not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.1-726 or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia;

4. The Department of Conservation and Recreation must approve a Nutrient Management Plan for the confined poultry feeding operation prior to the submittal of the Registration Statement. The poultry grower shall attach to the Registration Statement a copy of the approved Nutrient Management Plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan. The poultry grower shall implement the approved Nutrient Management Plan;

5. Adjoining Property Notification

a. When a poultry grower files a general permit registration statement for a confined poultry feeding operation that proposes construction of poultry growing houses after December 1, 2000, the poultry grower shall also give notice to all owners or residents of property that adjoins the property on which the proposed confined poultry feeding operation will be located. Such notice shall include: (i) the types and maximum number of poultry which will be maintained at the facility; and (ii) the address and phone number of the appropriate Department regional office to which comments relevant to the permit may be submitted.

b. Any person may submit written comments on the proposed operation to the Department within thirty days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the Director determines that the proposed operation will not be capable of complying with the provisions of the general permit, the Director shall require the owner to obtain an individual permit for the operation. Any such determination by the Director shall be made in writing and received by the poultry grower not more than forty-five days after the filing of the registration statement or, if in the Director's sole discretion additional time is necessary to evaluate comments received from the public, not more than sixty days after the filing of the registration statement; and

6. Each poultry grower covered by this general permit shall complete the training program offered or approved by the Department of Conservation and Recreation within one year of filing the registration statement for general permit coverage.

B. Receipt of this general permit does not relieve any poultry grower of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

**9 VAC 25-630-40. Registration Statement.**

A. In order to be covered under the general permit, the poultry grower shall file a complete VPA General Permit Registration Statement. The registration statement shall contain the following information:

1. The poultry grower's name, mailing address and telephone number;

2. The location of the confined poultry feeding operation;

3. The name and telephone number of a contact person or operator other than the poultry grower, if necessary;

4. The best time of day and day of the week to contact the poultry grower or contact person;

5. Does the facility have an existing VPA permit? If so, give the permit number;

6. Provide the types of poultry and the maximum numbers of each type to be grown at the facility at any one time;

7. Identify the method of dead bird disposal;

8. Indicate if new poultry growing houses are under

construction or planned for construction;

9. The poultry grower shall attach to the registration statement a copy of the nutrient management plan approved by the Department of Conservation and Recreation and a copy of the letter certifying approval of the plan; and

10. The following certification: "I certify that notice of the registration statement for any confined poultry feeding operation that proposes construction of poultry growing houses after December 1, 2000 has been given to all owners or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted. I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

B. The registration statement shall be signed in accordance with 9 VAC 25-32-70.

#### **9 VAC 25-630-50. Contents of the General Permit.**

Any poultry grower whose registration statement is accepted by the Board will receive the following general permit and shall comply with the requirements therein and be subject to the VPA Permit Regulation, 9 VAC 25-32-10 et seq.

General Permit No. VPG2  
Effective Date: December 1, 2000  
Expiration Date: December 1, 2010

#### **GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT AT CONFINED POULTRY FEEDING OPERATIONS**

#### **AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined poultry feeding operations having 200 or more animal units are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where Board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the registration statement and supporting documents submitted to the Department of Environmental Quality; and Part I - Pollutant Management and Monitoring Requirements and Part II - Conditions Applicable To All VPA Permits, as set forth herein.

PART I  
Pollutant Management and Monitoring Requirements

A. Pollutant Management Authorization and Monitoring Requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location(s) identified in the registration statement and the nutrient management plan.

2. If poultry waste is land applied, it shall be applied at the rates specified in the nutrient management plan.

3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING FREQUENCY	SAMPLE TYPE
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm	1/3 years	Composite
Potash	NL	ppm	1/3 years	Composite
Calcium	NL	ppm	1/3 years	Composite
Magnesium	NL	ppm	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING FREQUENCY	SAMPLE TYPE
Total Kjeldahl Nitrogen	NL	ppm	1/3 years	Composite
Ammonia Nitrogen	NL	ppm	1/3 years	Composite
Total Phosphorus	NL	ppm	1/3 years	Composite
Total Potassium	NL	ppm	1/3 years	Composite
Moisture Content	NL	%	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

Part I A (cont'd)

5. Analysis of soil and waste shall be according to methods specified in Reference Soil Test Methods for the Southern Region of the United States, Southern Cooperative Series Bulletin 289 (1983); or Reference Soil and Media Diagnostic Procedures for the Southern Region of the United States, Southern Cooperative Series Bulletin 374 (1992); or Laboratory Procedures, Virginia Tech Soil Testing and Plant Analysis Laboratory, Virginia Cooperative Extension, Publication 452-881 (1996). Copies of these publications are available for public review at the Department's regional offices.

6. All monitoring data required by Part I.A. shall be maintained on site in accordance with Part II B. Reporting of results to the Department is not required, however, the monitoring results shall be made available to Department personnel upon request.

B. Other Requirements or Special Conditions.

1. The confined poultry feeding operation shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is ice covered, snow covered or saturated, periods when land application of nutrients should not occur due to limited or non-existent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the nutrient management plan and in a manner that prevents contact with surface water and ground water. Poultry waste that is stockpiled outside of the growing house for more than 14 days shall be kept in a facility that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Poultry waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored poultry waste; and

c. A minimum of 2 feet separation distance shall be maintained to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities which use an impermeable barrier shall maintain a minimum of 1 foot separation between the seasonal high water table and the impermeable barrier. Seasonal high water table means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers must be constructed of at least 12 inches of compacted clay, at least 4 inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second).

3. Poultry waste storage facilities constructed after December 1, 2000 shall not be located within a 100 year floodplain unless the poultry grower has no land outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. New, expanded or replacement poultry growing houses that are constructed after December 1, 2000 shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures.

4. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person a copy of the most recent nutrient analysis for the poultry waste and a

fact sheet approved by the Department, in consultation with the Department of Conservation and Recreation, that includes appropriate practices for proper storage and management of the waste. The person receiving the waste shall provide the poultry grower his name and address and acknowledge in writing receipt of the waste, the nutrient analysis and the fact sheet. If the person receiving the waste is a poultry waste broker, then he shall also certify in writing that he will provide a copy of the nutrient analysis and fact sheet to each end user to whom he transfers poultry waste.

5. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the amount of poultry waste received by the person, the date of the transaction, the nutrient content of the waste, the locality in which the recipient intends to utilize the waste (i.e. nearest town or city and zip code), the name of the stream or waterbody known to the recipient that is nearest to the waste utilization site, and the signed waste transfer acknowledgement. These records shall be maintained on site for three years after the transaction and shall be made available to Department personnel upon request.

6. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be considered a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.1-726 or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

7. The "Nutrient Management Plan" (NMP) approved by the Department of Conservation and Recreation (DCR) shall be maintained on site. The NMP shall be implemented and is enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied by the poultry grower;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements for the grower's poultry waste management activities;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

8. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance; and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the nutrient management plan.

9. Nitrogen application rates contained in the NMP shall not exceed crop nutrient needs as determined by the Department of Conservation and Recreation. The application of poultry waste shall be managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water quality impacts from nitrogen.

10. For all NMPs developed after October 1, 2001, phosphorus application rates shall not exceed the greater of crop nutrient needs or crop nutrient removal as determined by the Department of Conservation and Recreation. For all NMPs developed after December 31, 2005, phosphorus application rates shall be in accordance with the Department of Conservation and Recreation's regulatory criteria and standards in effect at the time the NMP is written. The application

of poultry waste shall be managed to minimize runoff and leaching and reduce adverse water quality impacts from phosphorous.

11. The timing of land application of poultry waste shall be according to the schedule contained in the NMP, except that no waste may be applied to ice or snow covered ground or to soils that are saturated. Poultry waste may be applied to frozen ground within the NMP scheduled times only under the following conditions:

- a. Slopes are not greater than 6%;
- b. A minimum of a 200 foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.

12. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 50 feet (for surface application) or 25 feet (if by subsurface injection or same day soil incorporation);
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

13. Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of three years after recorded application is made and shall be made available to Department personnel upon request.

14. Each poultry grower covered by this general permit shall complete the training program offered or approved by the Department of Conservation and Recreation within one year of filing the registration statement for general permit coverage.

## Part II CONDITIONS APPLICABLE TO ALL VPA PERMITS

### A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures listed under Title 40 Code of Federal Regulations Part 136, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

### B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The name of the individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The name of the individual(s) who performed the analyses;
  - e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and

f. The results of such analyses.

2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the Board at any time.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's Region Office.

2. Monitoring results shall be reported on forms provided or specified by the Department.

3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.

4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.

5. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the Board prior to commencing construction.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or

2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II H 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
  2. Breakdown of processing or accessory equipment;
  3. Failure or taking out of service some or all of the treatment works;
- and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II F, G and H may be made to the Department's Regional Office. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement.

For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.

2. The permittee shall give at least 10 days advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:

- a. For a corporation: by a responsible corporate officer. For the

purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

#### M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

#### N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private

property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. Prohibition - Bypass means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.

2. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, he shall notify the Department promptly at least 10 days prior to the bypass. After considering its adverse effects the Board may approve an anticipated bypass if:

a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and

b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

3. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will

be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset.

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the Department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and Entry.

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the Board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of Permits.

1. Permits are not transferable to any person except after notice to the Department. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:

- a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is

held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**9 VAC 25-630-60 Tracking and Accounting Requirements for Poultry Waste Brokers.**

A. Poultry waste brokers shall keep a record of the source of the poultry waste in their possession, the amount of poultry waste received from the source, and the date the poultry waste was acquired.

B. When a poultry waste broker transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry waste broker shall provide to the recipient of the waste copies of the most recent nutrient analysis for the poultry waste and a fact sheet approved by the Department that includes appropriate practices for proper storage and management of the waste. The person receiving the waste shall provide the poultry waste broker his name and address and acknowledge in writing receipt of the waste, the nutrient analysis and the fact sheet.

C. When a poultry waste broker transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry waste broker shall keep a record of the amount of poultry waste received by the person, the date of the transaction, the nutrient content of the waste, the locality in which the recipient intends to utilize the waste (i.e. nearest town or city and zip code), the name of the stream or waterbody known to the recipient that is nearest to the waste utilization site, and the signed waste transfer acknowledgement.

D. Poultry waste brokers shall submit copies of the records required by subsections A and C of this section, except the waste transfer acknowledgement, to the Department annually. Records for the preceding calendar year shall be submitted to the Department not later than February 15. Poultry waste brokers shall maintain the records required by subsections A and C of this section for at least 3 years and make them available to Department personnel upon request.

General Permit No. VPG2  
Effective Date: December 1, 2000  
Expiration Date: December 1, 2010

GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT AT CONFINED POULTRY FEEDING OPERATIONS  
AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION ABATEMENT PROGRAM  
AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined poultry feeding operations having 200 or more animal units are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where Board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the Registration Statement and supporting documents submitted to the Department of Environmental Quality; and Part I - Pollutant Management and Monitoring Requirements and Part II - Conditions Applicable To All VPA Permits, as set forth herein.

A. Pollutant Management Authorization and Monitoring Requirements

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location(s) identified in the registration statement and the nutrient management plan.

2. If poultry waste is land applied, it shall be applied at the rates specified in the nutrient management plan.

3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the nutrient management plan.

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS Frequency	Sample Type
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm	1/3 years	Composite
Potash	NL	ppm	1/3 years	Composite
Calcium	NL	ppm	1/3 years	Composite
Magnesium	NL	ppm	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the nutrient management plan.

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	ppm	1/3 years	Composite
Ammonia Nitrogen	NL	ppm	1/3 years	Composite
Total Phosphorus	NL	ppm	1/3 years	Composite
Total Potassium	NL	ppm	1/3 years	Composite
Moisture Content	NL	%	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

5. Analysis of soil and waste shall be according to methods specified in Reference Soil Test Methods for the Southern Region of the United States, Southern Cooperative Series Bulletin 289 (1983); or Reference Soil and Media Diagnostic Procedures for the Southern Region of the United States, Southern Cooperative Series Bulletin 374 (1992); or Laboratory Procedures, Virginia Tech Soil Testing and Plant Analysis Laboratory, Virginia Cooperative Extension, Publication 452-881 (1996). Copies of these publications are available for public review at the Department's regional offices.

6. All monitoring data required by Part I.A. shall be maintained on site in accordance with Part II B. Reporting of results to the Department is not required, however, the monitoring results shall be made available to Department personnel upon request.

#### B. Other Requirements or Special Conditions

1. The confined poultry feeding operation shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is ice covered, snow covered or saturated, periods when land application of nutrients should not occur due to limited or non-existent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the nutrient management plan and in a manner that prevents contact with surface water and ground water. Poultry waste that is stockpiled outside of the growing house for more than 14 days shall be kept in a facility that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Poultry waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored poultry waste; and

c. A minimum of 2 feet separation distance shall be maintained to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities which use an impermeable barrier shall maintain a minimum of 1 foot separation between the seasonal high water table and the impermeable barrier. Seasonal high water table means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers must be constructed of at least 12 inches of compacted clay, at least 4 inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second).

3. Poultry waste storage facilities constructed after December 1, 2000 shall not be located within a 100 year floodplain unless the poultry grower has no land outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. New, expanded or replacement poultry growing houses that are constructed after December 1, 2000 shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures.

4. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person a copy of the most recent nutrient analysis for the poultry waste and a fact sheet approved by the Department, in consultation with the Department of Conservation and Recreation, that includes appropriate practices for proper storage and management of the waste. The person receiving the waste shall provide the poultry grower his name

and address and acknowledge in writing receipt of the waste, the nutrient analysis and the fact sheet. If the person receiving the waste is a poultry waste broker, then he shall also certify in writing that he will provide a copy of the nutrient analysis and fact sheet to each end user to whom he transfers poultry waste.

5. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the amount of poultry waste received by the person, the date of the transaction, the nutrient content of the waste, the locality in which the recipient intends to utilize the waste (i.e. nearest town or city and zip code), the name of the stream or waterbody known to the recipient that is nearest to the waste utilization site, and the signed waste transfer acknowledgement. These records shall be maintained on site for three years after the transaction and shall be made available to Department personnel upon request.

6. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be considered a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.1-726 or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

7. The "Nutrient Management Plan" (NMP) approved by the Department of Conservation and Recreation (DCR) shall be maintained on site. The NMP shall be implemented and is enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied by the poultry grower;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements for the grower's poultry waste management activities;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

8. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance; and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the nutrient management plan.

9. Nitrogen application rates contained in the NMP shall not exceed crop nutrient needs as determined by the Department of Conservation and Recreation. The application of poultry waste shall be managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water quality impacts from nitrogen.

10. For all NMPs developed after October 1, 2001, phosphorus application rates shall not exceed the greater of crop nutrient needs or crop nutrient removal as determined by the Department of Conservation and Recreation. For all NMPs developed after December 31, 2005, phosphorus application rates shall be in accordance with the Department of Conservation and Recreation's regulatory criteria and standards in effect at the time the NMP is written. The application of poultry waste shall be managed to minimize runoff and leaching and reduce adverse water quality impacts from phosphorous.

11. The timing of land application of poultry waste shall be according to the

schedule contained in the NMP, except that no waste may be applied to ice or snow covered ground or to soils that are saturated. Poultry waste may be applied to frozen ground within the NMP scheduled times only under the following conditions:

- a. Slopes are not greater than 6%;
- b. A minimum of a 200 foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.

12. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface watercourses: 50 feet (for surface application) or 25 feet (if by subsurface injection or same day soil incorporation);
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

13. Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of three years after recorded application is made and shall be made available to Department personnel upon request.

14. Each poultry grower covered by this general permit shall complete the training program offered or approved by the Department of Conservation and Recreation within one year of filing the registration statement for general permit coverage.

# CONDITIONS APPLICABLE TO ALL VPA PERMITS

## A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.

2. Monitoring shall be conducted according to procedures listed under Title 40 Code of Federal Regulations Part 136, unless other procedures have been specified in this permit.

3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

## B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The name of the individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The name of the individual(s) who performed the analyses;
- e. The analytical techniques or methods used, with supporting information such as observations, readings, calculations and bench data; and
- f. The results of such analyses.

2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention may be extended by request of the Board at any time.

## C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after the monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the Department's Region Office.

2. Monitoring results shall be reported on forms provided or specified by the Department.

3. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant more frequently than required by the permit using approved analytical methods, the permittee shall report the results of this monitoring on the monitoring report.

4. If the permittee monitors the pollutant management activity, at a sampling location specified in this permit, for any pollutant that is not required to be monitored by the permit, and uses approved analytical methods, the permittee shall report the results with the monitoring report.

5. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

## D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the Board prior to commencing construction.

## E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

## F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the

Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II H 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
  2. Breakdown of processing or accessory equipment;
  3. Failure or taking out of service some or all of the treatment works;
- and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
- a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports

of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II F, G and H may be made to the Department's Regional Office. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.

2. The permittee shall give at least 10 days advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. Prohibition - Bypass means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.

2. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, he shall notify the Department promptly at least 10 days prior to the bypass. After considering its adverse effects the Board may approve an anticipated bypass if:

a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage ("Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production); and

b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

3. Unplanned Bypass - If an unplanned bypass occurs, the permittee shall notify the Department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset.

A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the Department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and Entry.

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private and have access to records required by this permit;
2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the Board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated

noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of Permits.

1. Permits are not transferable to any person except after notice to the Department. The Board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:

a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The Board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

ISSUANCE OF A VIRGINIA POLLUTION ABATEMENT (VPA) GENERAL PERMIT  
FOR POULTRY WASTE MANAGEMENT

AUTHORIZATION TO MANAGE POLLUTANTS OR ACTIVITIES AT CONFINED POULTRY FEEDING OPERATIONS UNDER THE VIRGINIA POLLUTION ABATEMENT PERMIT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

Permit Number: VPG2

Name of Permittee: Any owner or operator of a confined poultry feeding operation in the Commonwealth of Virginia, agreeing to be regulated under the terms of this general permit.

Facility Location: Commonwealth of Virginia

The proposed issuance is tentative. On the basis of review and application of lawful standards and regulations, the State Water Control Board intends to issue the general permit subject to certain conditions and has prepared a draft permit. This permit will maintain the Water Quality Standards adopted by the Board. It has been determined that this category is appropriately controlled under a general permit.

The 1999 General Assembly enacted Section 62.1-44.17:1.1 in the State Water Control Law requiring a poultry waste management program for confined poultry feeding operations. This legislation defined a confined poultry feeding operation as an operation with 200 or more animal units. The general permit will apply to poultry operations with 20,000 or more chickens or 11,000 or more turkeys, regardless of age or sex. The general permit establishes standards and criteria for the storage, management and tracking of poultry waste and sets minimum monitoring requirements. The general permit requires all regulated pollutant management activities to maintain no point source discharge of pollution to state waters except in the case of a storm event greater than the 25-year, 24-hour storm.

Persons may comment in writing on the proposed issuance of the general permit within 60 days from **April 24, 2000 and not later than 4:00 p.m. June 23, 2000**. Comments should be addressed to the contact person listed below. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

Public hearings will be held on this draft permit. Notice of the public hearings will be published statewide in newspapers and in the Virginia Register. Following the public hearing comment period, the Board will make its determinations regarding the proposed general permit.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Richard Ayers at:

Virginia Department of Environmental Quality  
P.O. Box 10009  
Richmond, Virginia 23240  
(804) 698-4075

### Monitoring Requirements

Minimum monitoring requirements are specified in the general permit for poultry waste and soils at land application sites. Additional monitoring parameters may be specified in the approved Nutrient Management Plan if they are required for a particular poultry operation. This monitoring is necessary to properly manage land application of the poultry waste in compliance with the nutrient management plan. The waste nutrient analysis is also useful for persons who buy or are given poultry waste by the poultry grower. Results of all monitoring are to be retained on site and made available to Department personnel on request.

### Other Requirements or Special Conditions

The general permit sets a performance standard that prohibits discharges to state waters except in the case of a storm event greater than the 25-year, 24-hour storm. It also mandates that waste storage capacity be provided to maintain this no-discharge status during inclement weather. This requirement is the basis of all VPA permits (9VAC 25-32-30 A).

The general permit defines adequate storage and requires it for all poultry waste stored outside the growing house for more than 14 days. Proper storage is necessary to prevent pollutants in the poultry waste from entering surface or ground water. Rather than specify a storage method, the general permit sets storage performance standards and leaves the means of compliance up to the individual poultry grower. The general permit prohibits construction of new waste storage facilities or new poultry growing houses within the 100-year floodplain unless the structures are protected from inundation by the flood waters. Waste storage is allowed in the floodplain only if the grower has no land outside the floodplain on which to construct the facility. Growing houses constructed within the floodplain must be part of an ongoing poultry operation.

When the poultry grower sells or gives away more than 10 tons of poultry waste per year to any person, the grower must inform the receiver of the waste about the nutrient content of the waste and the proper way to store and utilize it. This transfer of information from the grower to the waste user will reduce the potential for adverse water quality impacts from misuse of the poultry waste. Growers are required to keep records of each transaction involving more than 10 tons of poultry waste and these records will be reviewed by Department personnel during routine inspections.

Although state law allows poultry growers to bury daily poultry mortalities, the general permit prohibits it. This prohibition is for protection of ground water from decomposing animals. Growers who employ burial of daily mortality may request an individual VPA permit in lieu of the general permit. Those permits would require periodic ground water monitoring. The burial prohibition in the general permit does not apply to growers who must during an emergency situation dispose of large scale bird mortalities, as long as the burial is done pursuant to either § 3.1-726 or § 10.1-1400 et seq. of the Code of Virginia.

The general permit requires that a site specific Nutrient Management Plan be developed for the poultry feeding operation and approved by the Department of Conservation and Recreation. The general permit sets the minimum information that must be contained in the Plan and implemented as part of the permit. The Plan is intended to reduce pollution by determining the optimal levels of wastes that should be land applied based on the soil type, the type of crop being grown and other factors. By balancing the

amount of nutrients applied with the amount needed by the plants, the potential for excess applications, which may cause runoff problems, is greatly reduced. By law (§ 62.1-44.17:1.1), the nitrogen applications cannot exceed crop nutrient need and phosphorus application rates cannot exceed the greater of crop nutrient need or crop nutrient removal.

In order to further ensure that poultry waste is land applied when it is more likely to be utilized by a crop and is less likely to run off, all land application must be done during the times allowed by the NMP. In addition, the general permit prohibits land application when the soil is saturated, or covered with ice or snow. It allows land application to frozen ground under certain conditions that are more restrictive than the normal application requirements, but only within the windows of time provided in the NMP.

Minimum buffer zones that must be maintained at waste application sites are identified in the general permit. These are designed to protect water quality and neighboring residents.

Records are required to be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records will be examined by Department personnel during routine inspections in order to verify the growers' compliance with the requirements of the permit and the Nutrient Management Plan.

The general permit requires each poultry grower covered by the general permit to complete a training course within a year of filing for coverage under the permit. The purpose of this training is to familiarize the grower with the requirements of the general permit and to educate them about their Nutrient Management Plan.

Part II of the general permit contains conditions applicable to all VPA permits. These conditions are derived from the VPA Permit Regulation, 9 VAC 25-32-10 et seq.

#### Other Regulatory Considerations

The general permit will have a term of 10 years. Every authorization under this general permit will expire on the same date.

All confined poultry feeding operations that are eligible for coverage under this general permit will be authorized to manage pollutants under its terms and conditions after a complete Registration Statement is submitted and the Director sends a copy of the general permit to the owner. If this general permit is inappropriate and an individual permit is needed, the owner will be so notified. Any owner may request an individual permit by submitting an appropriate application.

The copy of the general permit transmitted to the owner will contain all the pages of Parts I and II.

**REGISTRATION STATEMENT  
VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT**

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

1. Grower's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
2. The location of the confined poultry feeding operation:  
\_\_\_\_\_
3. Contact Person or Operator's Name (other than the poultry grower, if necessary):  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_
4. The best time of day and day of the week to contact the poultry grower or contact person:  
Time: \_\_\_\_\_ Day: \_\_\_\_\_
5. Does the facility have an existing VPA permit? YES \_\_\_\_\_ NO \_\_\_\_\_ Permit Number: \_\_\_\_\_
6. Provide the types of poultry and the maximum numbers of each type to be grown at the facility at any one time  

<u>POULTRY TYPE</u>	<u>MAXIMUM NUMBER</u>
_____	_____
_____	_____
7. Identify the method of dead bird disposal: \_\_\_\_\_
8. Are new poultry growing houses under construction or planned for construction? YES \_\_\_\_\_ NO \_\_\_\_\_
9. Attach to the registration statement a copy of the nutrient management plan approved by the Department of Conservation and Recreation and a copy of the letter certifying approval of the plan.
10. **Certification:** "I certify that notice of the registration statement for any confined poultry feeding operation that proposes construction of poultry growing houses after December 1, 2000 has been given to all owners or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted.

I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

For DEQ Use Only: Accepted \_\_\_\_\_ Not Accepted \_\_\_\_\_ Initials \_\_\_\_\_ Date \_\_\_\_\_

# REGISTRATION STATEMENT INSTRUCTIONS

## VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT

### General

A Registration Statement must be submitted when a confined poultry feeding operation makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Poultry Waste Management. Contact the nearest DEQ regional office if you have questions about filing this form.

### Section 1 Grower Information

Give the name, mailing address and telephone number of the person to whom this permit will be issued.

### Section 2 Location

Give a location for the operation other than the grower's mailing address (e.g. Rt. 653, 1 mile west of Rt. 702)

### Section 3 Contact Person or Operator Information

If there is a person other than the grower who manages daily activities at the operation being permitted or who should be contacted for site visits, give that person's name and phone number. If these are the same as the grower information, write "SAME AS ABOVE".

### Section 4 Contact Time

Please provide the best time and day of the week for DEQ to make contact with the grower or contact person during regular working hours.

### Section 5 Existing Permits

List the number of any expiring or currently effective permits issued to the poultry feeding operation under the VPA permit program

### Section 6 Animal Information

Indicate the type of poultry grown on this operation and the maximum numbers of each type that the operation will have at any one time.

### Section 7 Method of Dead Bird Disposal

Indicate how daily mortalities are disposed of. Note that while composting, incineration, rendering and burial are allowable methods of disposal under the Code of Virginia, operations that use burial for disposal of daily mortalities are not allowed coverage under the general permit. They will have to apply for an individual VPA permit. Contact DEQ for further information if you use burial for disposal of daily mortalities. Burial of entire flocks under § 3.1-726 of the Code of Virginia and burial of partial flocks under the Solid Waste Management Act (§ 10.1-1400) are allowed under the general permit.

### Section 8 New Construction

Indicate if you are building or plan to build new poultry growing houses at this operation. Note that growers who are building new growing houses must notify all owners or occupants of property bordering the operation, including land where litter will be spread, that they are applying for coverage under the general permit.

This notice must include the types and maximum number of poultry on the operation and the address and phone number of the DEQ regional office to which they can send comments relative to the operation's ability to comply with the permit. DEQ must allow 30 days from the date you file the registration statement for these comment to be submitted and considered. Failure to provide this notice to neighboring property owners/occupants will invalidate your coverage under the general permit if you are going to build new growing houses. The notice is not required if new houses are not going to be constructed.

You should also be aware that the permit has the following restriction on the siting of new growing houses: "New, expanded or replacement poultry growing houses that are constructed after December 1, 2000 shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures."

### Section 9 Nutrient Management Plan (NMP)

State law requires that every poultry feeding operation seeking coverage under the VPA general permit have a Nutrient Management Plan. A copy of the operation's Nutrient Management Plan and a copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP must be attached to the Registration Statement.

### Section 10 Certification

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

## Application Transmittal Letter

### Regional Office Letterhead

DATE

Owner Name

Address

RE: VPA General Permit for Poultry Waste Management

Dear :

In response to your request, enclosed is the Registration Statement for coverage under the poultry waste management general permit. Please complete the form according to the instructions and return it to this office. Note that a complete registration statement must include a copy of your Nutrient Management Plan (NMP) and the approval letter from the Department of Conservation and Recreation. We will not be able to process your request for coverage until all of these documents are submitted.

The Registration Statement includes a question about construction of new growing houses and a certification that the grower has notified all adjoining land owners or residents if his operation involves construction of new growing houses. These are parcels or lots that share a common boundary with your operation, including land where poultry litter will be spread under your NMP. If new growing houses are being constructed or are planned for construction at your operation, you must make this notification in order to obtain coverage under the general permit. By signing the certification on the Registration Statement, you affirm that you have complied with this requirement, if it is applicable. A sample notification letter is enclosed. You may use it as a guide or develop your own, but be sure to include the information on the types and maximum number of poultry which will be on the farm and the address and phone number of the DEQ regional office to which comments may be submitted.

Please call me at (XXX)XXX-XXXX if you have any questions.

Sincerely,

**[Permit Writer]**

Environmental Engineer

Enclosures

## Sample Neighbor Notification Letter

DATE

Dear Neighbor:

I am applying to the Department of Environmental Quality for coverage under their Poultry Waste Management General Permit. I also am constructing or plan to construct new poultry growing houses at my farm. DEQ requires that I notify all owners or residents of property adjoining my operation that I am taking these actions. My operation will have a maximum of **[number and type of birds]** at any one time. Land application of poultry litter by my operation will be strictly regulated by the DEQ permit and a nutrient management plan approved by the Department of Conservation and Recreation.

Under the DEQ regulations, you have 30 days to send them comments regarding my request for coverage under their permit. After that date, DEQ will make its decision. If you want to comment, you must send your comments within 30 days, in writing, to the following address:

### **DEQ Regional Office address**

If you have any questions about this notice, you can call the local DEQ office at **(XXX)XXX-XXXX** or feel free to call me at **XXX-XXXX**.

Sincerely,

## Registration Statement Deficiency Letter

Regional Letterhead

Date

Owner Name

Address

RE: Coverage under the Virginia Pollution Abatement General Permit for Confined Poultry Feeding Operations

Dear Applicant:

Your registration statement for coverage under this general permit was received on (date). We have reviewed it and find that there are deficiencies, which must be resolved before the poultry feeding operation can be covered. This registration statement was deemed incomplete for the following reason(s):

\_\_\_\_\_ Grower's name, address or phone number was incomplete.

\_\_\_\_\_ Contact person's name, address or phone number was incomplete.

\_\_\_\_\_ Maximum Number and/or the type(s) of animal(s) that will be maintained at the facility was incomplete or missing.

\_\_\_\_\_ A copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan for the facility was not attached to the Registration Statement.

\_\_\_\_\_ Nutrient Management Plan not included with the Registration Statement.

\_\_\_\_\_ Certification statement was not signed.

\_\_\_\_\_ Certification statement was incorrectly signed. Please refer to the enclosed instruction sheet for information on whom is eligible to sign.

\_\_\_\_\_ Certification statement signature was a photocopy. Only original ink signatures are acceptable.

You are hereby requested to make the necessary corrections and/or provide the additional information. We are unable to continue processing your registration statement until these deficiencies have been resolved.

If you have any questions about this request, or if we can be of assistance, please contact me at (XXX) XXX-XXXX..

Sincerely,

Regional Permit Writer

**Permit Transmittal Letter**  
**Confined Poultry Feeding Operations General Permit**

**Regional Letterhead**  
DATE

Owner Name  
Address

RE: Coverage under the Virginia Pollution Abatement General Permit for Poultry Waste Management  
VPG2\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement and attachments received on \_\_\_\_\_, and determined that this poultry feeding operation is hereby covered under the referenced VPA general permit. The effective date of your coverage under this general permit is the date of this letter. The general permit expires on December 1, 2010. If you intend to continue your operation beyond the expiration date, you must reapply at least 180 days before the expiration date. The enclosed copy of the general permit contains the applicable monitoring requirements and other conditions of coverage, please read them carefully.

Also enclosed are copies of a fact sheet on litter storage and utilization for you to pass on to persons to whom you sell or give poultry litter and a sample form for you to record litter transactions on. Although the permit only requires records of transfers in excess of 10 tons per year, we recommend that you make a record of every litter transaction, regardless of size. Our inspectors will be reviewing these records when they visit your operation. Please make extra copies of the fact sheet and transfer tracking form as you need them.

If you have any questions, please call [permit writer] at (XXX)XXX-XXXX.

Sincerely,

[Regional Permit Manager]  
Regional Permit Manager



## **Poultry Litter Storage and Utilization Fact Sheet**

Use poultry litter in a manner consistent with this fact sheet or as specified in a nutrient management plan prepared by a Virginia certified Nutrient Management Planner. If poultry litter is sold or given away for land application outside of Virginia, follow this fact sheet or the receiving state's regulations, whichever is most restrictive. If litter is to be used for purposes other than land application to crops (e.g. composting or animal feeding), these uses may be subject to other state laws or regulations. State regulations require that each person who receives litter from a poultry grower or a litter broker must receive a copy of the latest nutrient analysis for that litter. Apply poultry litter so that the nitrogen needs of the crop are not exceeded. For fields which soil test very high (VH) in phosphorus, apply litter based on crop removal of phosphorus for a two-year rotation, as long as nitrogen is not over-applied to the crop following the litter application. Do not apply additional phosphorus to these fields, from any source, during the two year rotation. In all other cases, litter may be applied on fields to supply nutrients based on soil test recommendations. Apply poultry litter as close as possible to planting times or to an actively growing crop or cover crop to ensure proper nutrient utilization and to minimize loss to the environment.

### **Litter Storage**

Litter that is not immediately land applied must be stored properly. If poultry litter needs to be stored prior to use, follow these criteria:

- A litter storage area that provides adequate storage capacity and does not pose undue environmental risk to water quality should be pre-determined prior to receiving a shipment of poultry litter.
- Storage sites for litter may be utilized if the slope is not greater than 7% and the site is 100 feet from surface water, intermittent drainage, wells, sinkholes, and rock outcrops. If stored outside longer than 14 days, the litter must be covered with an impermeable barrier that will resist wind, and be protected from storm water running onto or under it. When applying or using litter, be sure to remove all residue from the storage area and the surrounding ground. Proper cleanup means no waste and protects water quality!
- Store litter in areas where the ground water table is at least 2 feet deep year round. If storage is desired where the water table is as shallow as 1 foot, install an impermeable barrier under the litter. Construct impermeable barriers using at least 12 inches of compacted clay, at least 4 inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second). Do not store litter where the water table is less than one foot deep, even when using an impermeable barrier.

### **Soil Samples**

To determine the proper litter application rate (and to use poultry litter to obtain the best economic benefit), soil sample fields where poultry litter will be applied.

- Soil samples should be taken in late summer or fall. Do not take soil samples immediately after applying lime or fertilizer; wait several months for best results. Send samples well in advance of the need for recommendations.
- Contact your local Virginia Cooperative Extension Service office for soil sampling materials and instructions on proper sampling methods.

### ■ Calculating Litter Application Rate

When soils test very high (VH) in phosphorus, do the following calculations to obtain the proper litter application rate:

1. Determine the N and P<sub>2</sub>O<sub>5</sub> requirements (pounds per acre) for the crop from the table below. Determine N need for the current crop (do not forget to credit N from previous legume crops), and P<sub>2</sub>O<sub>5</sub> removal for the two-year crop rotation.
2. Divide the N and P<sub>2</sub>O<sub>5</sub> requirements by the N and P<sub>2</sub>O<sub>5</sub> content of the litter (Pounds per ton from the litter analysis). Remember, use available nitrogen, not total nitrogen. This will give you the amount of litter needed by the crop for each nutrient in tons per acre.
3. If the P<sub>2</sub>O<sub>5</sub> application rate is less than the N application rate, then the P<sub>2</sub>O<sub>5</sub> rate is the total amount that can be applied. Additional nitrogen will have to be supplied through supplemental applications of commercial nitrogen.
4. If the P<sub>2</sub>O<sub>5</sub> application rate is more than the N application rate, then use the nitrogen application rate. The remaining P<sub>2</sub>O<sub>5</sub> can be applied to other crops in the rotation.

### Typical Crop Nutrient Removal

Crop (Unit Yield)	Per Unit of Yield			Average Acre Yield	Removal for Given Yield (lb/acre)		
	N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O		N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O
Alfalfa (ton) <sup>1</sup>	45	10	45	4	180	40	180
Barley Grain (bu) <sup>3</sup>	1.25	0.375	0.25	80	100	30	20
Barley Silage (ton) <sup>3</sup>	12.5	5	10	8	100	40	80
Corn Grain (bu)	1.1	0.35	0.27	120	130	42	32
Corn Silage (ton)	7.65	4.7	8.3	17	130	80	141
Cotton seed & lint (lbs)	0.04	0.013	0.01	1500	60	20	15
Grain Sorghum (bu)	1	0.41	0.25	100	100	41	25
Hay (ton) <sup>2</sup>	53.3	18	52	3	160	54	156
Hay/Pasture (ton) <sup>2</sup>	60	19	52	2	120	38	104
Pasture					60	30	60
Rye Silage (ton) <sup>3</sup>	16.6	6.67	21.8	6	100	40	131
Soybeans (bu) <sup>1</sup>	3.75	0.88	1.42	40	150	35	57
Wheat (bu) <sup>3</sup>	1.25	0.56	0.61	80	100	45	49

<sup>1</sup>Legumes fix all their required nitrogen. However, they also have the capability to utilize nitrogen as indicated.

<sup>2</sup>Use hay rate if two or more cuttings occur. Use hay/pasture rate if only one cutting occurs and animals are then pastured.

<sup>3</sup>Apply no more than 40 lbs plant available nitrogen per acre in the fall.

To adjust crop removal for your yield, average the highest three yields from the last five years of yield data and multiply this figure by the per unit value for the crop.

### **Example:**

A field in a corn/wheat/beans rotation tests very high (VH) in Phosphorus, so we calculate to determine the proper application rate of poultry litter.

P<sub>2</sub>O<sub>5</sub> Crop Removal for 2 year rotation:

1 <sup>st</sup> Crop	2 <sup>nd</sup> Crop	3 <sup>rd</sup> Crop	Crop	P <sub>2</sub> O <sub>5</sub> Litter Content	Litter application
Corn	Wheat	Soybeans	Removal	(from analysis)	rate for P <sub>2</sub> O <sub>5</sub>
42	+	45	=	122 lbs/ac ÷ 65 lbs/ton	= 1.87 tons/ac

N Requirement for current crop: Corn = 130 lbs/ac

Crop Need	N credit from beans	Net N Required	N Litter Content	Litter application rate for N
(0.5 lb N x 40 bu)		(from analysis)		
130 lbs/ac - 20 lbs/ac		= 110 lbs/ac ÷ 37 lbs/ton		= 2.97 tons/ac

Based on these calculations, the litter application rate allowed in this example is 1.87 tons/ac (the P<sub>2</sub>O<sub>5</sub> rate). At this rate, the litter will not supply the total N needs of the corn crop. 1.87 tons litter X 37 lbs N/ton = 69 lbs N/ac, which is 41 lbs N/ac below crop need. The remaining 41 lbs/ac N required by the corn crop could be applied, for example, at sidedress time. It is always wise to perform a pre-sidedress nitrate test (PSNT) when using organic sources of nutrients. Check with your regional DCR office or local Extension office for additional help in determining the proper application rate.

### Land Application Conditions & Setbacks

Do not spread litter when field conditions would encourage runoff (i.e. saturated, or snow or ice covered). Application of poultry litter on fields with slopes greater than 15% should be avoided. If pasture and hay fields with slopes greater than 15% are receiving applications of poultry litter, maintain a forage height of at least 3 inches in order to reduce runoff potential. To ensure proper nutrient utilization, apply poultry litter within 30 days of planting or according to the following poultry litter spreading schedule. Apply additional commercial fertilizer (especially nitrogen) as a split application from the poultry litter, either topdressed or sidedressed.

Do not spread litter within the following buffer areas:

- 100 feet from wells or springs
- 50 feet from surface water (25 feet if incorporated)
- 10 feet from agriculture drainage ditches
- 200 feet from neighboring occupied dwellings unless the occupant waives or reduces the buffer in writing
- 50 feet from sinkholes
- 50 feet from limestone outcroppings
- 25 feet from other rock outcroppings

### Poultry Litter Spreading Schedule

CROP	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
ALFALFA												
CORN												
COTTON												
SMALL GRAIN *												
SORGHUM												
SOYBEANS												
HAY/PASTURE **												

 Do not spread during these periods.

 Poultry litter may be applied during these times if soil conditions are acceptable.

\* Apply no more than 40 lbs of plant available nitrogen per acre in the fall

\*\* Except for Alfalfa and other warm season grasses.

### Spreader Calibration

Calibrate spreading equipment at least once a year or when litter consistency is obviously different. A plastic tarp or sheet, a bucket, and scales are needed. Lay the tarp smoothly on a flat area. Drive the spreader at a normal speed over the tarp while allowing the litter to begin leaving the spreader at an even, normal rate. Collect all litter spread on the tarp and pour it into the bucket. Weigh the bucket with manure and subtract the empty bucket weight to determine pounds of litter applied to the tarp. Repeat this three times and calculate the average pounds of litter applied to the tarp. Determine the litter application per acre using the following calculation: (Pounds of litter on tarp) X (21.78) / (Area of tarp in ft<sup>2</sup>) = Tons/acre

**Example:** Ave. wt. of litter applied = 5.76 lbs.  $\Rightarrow \frac{5.76 \times 21.78}{80 \text{ ft}^2} = 1.57 \text{ Tons/acre}$   
Tarp or sheet area 8' X 10' = 80 ft<sup>2</sup>

The load/area method can also be used to calibrate your spreader if you know the capacity of the spreader (tons) and the area covered by a load.

**Example:**  $\frac{\text{Spreader capacity (tons)} \times 43560(\text{ft}^2/\text{ac})}{\text{Spread Area (W' x L')}} \Rightarrow \frac{6 \text{ tons} \times 43560}{200' \times 650'} = 2 \text{ Tons/acre}$

**Additional Information:** For more information regarding litter application rate calculations or any other poultry litter management topics, contact your county Extension Service, the regional Department of Conservation and Recreation office or the regional DEQ office.

Permit No. VPG2

## POULTRY WASTE TRANSFER RECORDS

The following information is required to verify compliance with the requirements of the General Permit Regulation for Poultry Waste Management, (found in 9 VAC 25-630-70) and (§ 62.1-44.17:1) the Code of Virginia. This information pertains to the tracking of manure/litter sold or given away. The information must be recorded to comply with the law. **By signing below, I acknowledge that I have received a copy of the most recent nutrient analysis of the poultry waste received and a copy of the DEQ approved fact sheet that includes appropriate practices for proper storage and management of poultry waste. If I am not the end user, I will provide a copy of the nutrient analysis and approved fact sheet to those whom I sell or give poultry waste.**

[illegible]

# Virginia Department of Environmental Quality

## Biosecurity Strategy for Poultry Inspections

### I. GOALS OF THIS STRATEGY

DEQ seeks to minimize the risk of disease transfer between poultry operations by utilizing biosecurity principles, while still achieving the goals of § 62.1-44.17:1.1 of the Code of Virginia and 9 VAC 25-630-10 *et seq.* (Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management). This strategy will establish guidelines to follow when conducting poultry inspections. The three main components of biosecurity and the Disease Prevention Measures recommended by Virginia Poultry Federation (VPF) Poultry Health Committee were used in establishing these guidelines.

### II. WHAT IS BIOSECURITY?

Biosecurity as it pertains to poultry farm inspections is the protection of poultry flocks from any type of infectious agent, whether viral, bacterial, fungal, or parasitic in nature.

Due to the number of birds confined in one place, and the speed at which many infectious agents travel through flocks, outbreaks may have catastrophic results for poultry growers and processors. Biosecurity has three major components: 1) Isolation, 2) Traffic Control, and 3) Sanitation.

Isolation refers to the confinement of animals within a controlled environment. Buildings or fences keep birds in, as well as keep other animals (including humans) out.

Traffic Control includes inter-farm as well as intra-farm vehicle patterns.

Sanitation is the disinfection of materials, people, and equipment entering the farm as well as on the farm.

### III. GUIDELINES

#### A. ADVANCE NOTICE

Whenever possible, annual inspections should be scheduled in advance, preferably 48 hours prior. This will allow the poultry grower to be present to answer inspection questions, and will ensure that the grower has some control over traffic onto the farm and proper sanitation. Complaint driven inspections and other unscheduled inspections should involve a telephone call to the poultry grower, whenever possible.

#### B. DISINFECTION

Disinfection is very important in controlling disease-causing organisms. A brief description of disinfectant types and some brand names is found in Attachment A. DEQ staff should use phenolic disinfectants whenever possible, due to their ability to retain more activity in the presence of organic material than iodine- or chlorine-containing disinfectants. DEQ staff will be expected to do the following, if requested by the grower.

- 1) All vehicle tires must be disinfected before entering farms or DEQ staff must meet the poultry grower at the entrance and ride in the grower's vehicle while conducting the inspection.
- 2) Rubber boots that have been disinfected or plastic disposable boots shall be used on the farm while conducting inspections.
- 3) Farms may have coveralls, plastic disposable boots, etc. that are provided for visitor use. DEQ staff should respect a grower's request to wear provided clothing.
- 4) Disposable boots and provided clothing should be placed in any provided receptacles when leaving the farm.

### C. SUSCEPTIBILITY TO DISEASE

DEQ has been informed by the poultry industry that certain types of poultry operations are more susceptible to disease transfer than others. The following is a general ranking of types of poultry operations, from most at risk to least at risk:

- Turkey breeder
- Chicken breeder
- Turkey growout
- Chicken growout

When devising an inspection strategy, regional offices should attempt to visit the most susceptible operations earlier in the week. Another option is to assign one inspector to handle these susceptible types of operations, depending on manpower.

### D. DISEASE POSITIVE OPERATIONS

Disease positive operations may be identified with a sign posted at the entrance, but this does not always occur. Often only the grower and/or integrator know of disease problems. DEQ inspectors should contact growers or integrators affiliated with growers prior to regularly scheduled inspections. Only essential visits should occur on these operations. Any inspections on such farms should be scheduled last and preferably at the end of the work week.

### E. VEHICLE CLEANLINESS

DEQ vehicles entering poultry farms should be kept clean at all times. After visiting farms that are disease positive, vehicles should be washed before entering another farm.

### F. COMMUNICATION

DEQ staff should remain in contact with the VPF or Delmarva Poultry Industry, Inc. (DPI), and commercial poultry integrators to advise them of any questionable disease situations encountered on farms. DEQ will receive updates on disease positive farms from the VPF, DPI and/or commercial poultry processors.

### G. POULTRY HOUSES

It is not necessary for DEQ staff to enter poultry houses to conduct inspections under the poultry waste management regulation. This protects flocks of birds from potential disease transfer, and reduces the possibility that staff might cause a catastrophic disease outbreak

## IV. SUMMARY

DEQ poultry waste management staff will strive to follow these guidelines when scheduling and performing inspections. Lines of communication among poultry growers, poultry processors, the VPF, DPI and DEQ must be kept open to protect against catastrophic disease outbreak. At a minimum, DEQ staff will follow the biosecurity procedures in place on the farm being inspected.

## ATTACHMENT A      DISINFECTANTS

**Adapted from various Cooperative Extension documents, and list of USDA approved disinfectants for use on avian influenza. Disinfectants can be placed into the following classes based on chemical composition:**

Phenols, Hypochlorites (chlorine), Iodophors (iodine), Quaternary ammonium, Formaldehyde gas, Formaldehyde powder, Alkali (lye), Chlorhexidine (Nolvasan)

The most commonly used disinfectants are the phenols, iodophors, hypochlorites, and quaternary ammonium. Disinfectants are more effective at warmer temperatures.

**Phenols.** Phenols are coal-tar derivatives. They have a characteristic pine-tar odor and turn milky in water. Phenols are effective antibacterial agents, and they are also effective against fungi and many viruses. They also retain more activity in the presence of organic material than iodine- or chlorine-containing disinfectants. In commercial poultry operations, phenols are used for egg dipping, hatchery and equipment sanitation, and footbaths. Examples of the phenol class include: 1 Stroke Environ, Advantage 256, Bacto-Phene, Gil-Phene-Plus, LpH, Lysol, Pine-Sol, Tek-Trol.

**Iodophors.** Iodine compounds are available as iodophors, which are combinations of elemental iodine and a substance that makes the iodine soluble in water. They are good disinfectants, but they do not work well in the presence of organic material -- that is, on dirty surfaces. Iodophors are effective against bacteria, fungi, and many viruses. In hatcheries, iodine is used on equipment and walls and for water disinfection. Iodine is the least toxic of the disinfectants discussed here, but it can stain clothing and some surfaces. Examples of the iodophor class include: Betadine, Iodet, Iofec, Isodyne, Lifex-1, Losan, Tamed Iodine, and Weladol.

**Hypochlorites.** Chlorine compounds are good disinfectants on clean surfaces, but they do not work well on dirty surfaces. Chlorine is effective against bacteria and many viruses. These compounds are also much more active in warm water than in cold water. Chlorine solutions are somewhat irritating to skin and are corrosive to metal. They are relatively inexpensive. Examples of the hypochlorite class include: Clorox, Chloramine-T, and Halazone.

**Quaternary Ammonium.** Quaternary ammonium compounds are generally odorless, colorless, non-irritating, and deodorizing. They also have some detergent action, and they are good disinfectants. However, they are inactivated in the presence of some soaps or soap residues. Their antibacterial activity is reduced in the presence of organic material. Quaternary ammonium compounds are effective against bacteria and somewhat effective against fungi and viruses. These compounds are used widely in commercial hatcheries. Examples of the quaternary ammonium class include: Roccal, Germex, Hi-Lethol, Quat, San-O-Fec, Warden and Zephiran.